

✓ CHARLES BARTLETT

FOIA b3b

Security Danger Seen in Ervin Bill

✓ The Ervin bill to protect the privacy of government employees, which has just rolled through the Senate, has a Jeffersonian thrust that makes it awkward for critics to point up its Frankensteinian aspects.

The Senate's 79-to-4 vote for the measure is a full pendulum swing away from the Senate's posture of 12 years ago when the rights of the individual in government were being weighed lightly against the risk that he might be a Communist.

The concern of Senator Sam Ervin of North Carolina for the privacy and other rights of the federal workers has led him to push through the Senate a bill that can leave the managers of 3 million government employees in an excessively defensive position and the doors to employment dangerously open in areas where security is a consideration.

★

One of the Senate's liveliest legal minds, Ervin was attracted to his crusade by a fear that the Civil Service Commission was moving toward the establishment of a quota system for the employment of Negroes.

As he probed into the complaints arising from the CSC's insistence upon racial identification (since rescinded), he uncovered other causes of indignation. Some resented pressures to buy political banquet tickets or saving bonds; some disliked the disclosure of holdings required under a 1965 directive on government ethics; many reported unhappiness at special tests required for acceptance by the CIA and National Security Agency.

His bill assumed the shape of a collection of specific responses to these grievances and its momentum was assured by the federal employee unions, who perceived that the

moment was ripe for a quiet uprising against supervisors all over the government.

The extent of this insurgence is marked by the Ervin bill's provisions that:

An employee reprimanded for even such minor infractions as tardiness has a right to insist upon counsel; aggrieved applicants for jobs as well as employees are empowered to file suit in District Court whether or not available administrative remedies have been exhausted; a new Board of on Employees' Rights is established to receive complaints and respond as discretion dictates.

★

Initially the bill was so stiffly drafted that a supervisor who asked an employee where he was born could be subject to criminal penalties. The latter were softened by the Senate Judiciary Committee but the consequence of Ervin's bill, in the judgment of the Civil Service Commission, will still be to make the government less efficient because supervisors will be more defensive.

Ervin became embroiled with the CIA as he developed his bill and the most damaging aspects of it are the openings that it pries in the security cover over intelligence, code-breaking, and other classified activities.

The inducements of money, sex and ideology (preponderantly the former) have persuaded 11 Americans in sensitive government operations to cooperate with the Communists in recent years. Indeed Gen. Serov of Soviet intelligence was reported by Oleg Penkovsky to have told his trainees in 1962 that the economic pressures in the capitalist countries render many people ready to run risks "to collaborate with us."

In the last two years Communist agents abroad made

more than 600 contacts with U.S. officials that could be plainly characterized as attempts to establish a basis for collaboration. One-third of these were directed at CIA personnel.

★

The damage done by past penetrations and the evidence that they persist as a threat are more compelling ingredients of the national interest than Ervin's indignation over the methods of screening applicants for employment.

The North Carolinian who will handle the bill in the House, Chairman David Henderson of the Post Office and Civil Service Committee, is not fired by Ervin's sense of crusade. He is expected to produce a more balanced measure if he can contend with the weight of the unions.

© 1967

CPYRIGHT